

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MILISSA LYNN ROGERS,

Plaintiff,

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

Case No. 1:17-cv-383

HON. JANET T. NEFF

_____ /

OPINION AND ORDER

Plaintiff filed this action under 42 U.S.C. § 1983 against her employer, the Michigan Department of Corrections (MDOC), and five other defendants. Defendants filed a motion for summary judgment, arguing that there are no genuine issues of material fact and Defendants are entitled to summary judgment (ECF No. 78). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending that Defendants' motion be granted in part and denied in part; specifically, the Magistrate Judge recommended that this Court grant Defendants' motion as to all claims except for Plaintiff's Family Medical Leave Act (FMLA) claims against Defendant Palmer for prospective relief (ECF No. 106 at PageID.3410). The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation. Defendants filed a response to Plaintiff's objections. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

Plaintiff presents two one-sentence objections to the Magistrate Judge's Report and Recommendation. First, Plaintiff argues there are genuine issues of material fact regarding her retaliation, gender discrimination, harassment and hostile work environment claims, and, therefore, summary judgment cannot be granted (ECF No. 107 at PageID.3412). Plaintiff's argument is without merit. Objections to a Magistrate Judge's recommendation "shall specifically identify the portions of the proposed findings, recommendations or report to which objections are made and the basis for such objections." W.D. Mich. LCivR 72.3(b). Plaintiff's objection neither specifies any portion of the Report and Recommendation nor offers any basis in support of her position. The objection is denied.

Second, Plaintiff objects that she did not consent to a magistrate judge's review of any proceedings in this case (ECF No. 107 at PageID.3411). Again, Plaintiff's argument is without merit. This case was referred to Magistrate Judge Ellen S. Carmody pursuant to 28 U.S.C. § 636 and this Court's Local Rule 72 (ECF No. 5). Neither of the aforementioned authorities requires a plaintiff's consent. This objection is also properly denied.

Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. *See* FED. R. CIV. P. 58. Because this action was filed *in forma pauperis*, this Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this decision would not be taken in good faith. *See McGore v. Wigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Therefore:

IT IS HEREBY ORDERED that the Objections (ECF No. 107) are DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 106) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (ECF No. 78) is GRANTED IN PART and DENIED IN PART; specifically, Defendants' motion is granted as to all claims except for Plaintiff's FMLA claims against Defendant Palmer for prospective relief, which will proceed.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: September 12, 2018

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge